

# China RoHS Marking



**IN THIS ISSUE**

- 1 Standards Overview
- 2 Marking Requirements
- 3 Enforcement: Risks and Sanctions
- 4 Who We Are

## China Changes the Rules for RoHS

*Disclaimer: This is a summary for discussion purposes only. The actual standard should be reviewed and used for all business, legal, and product compliance purposes.*



China RoHS (formally known as “Management Methods for Controlling Pollution by Electronic Information Products”) primarily differs from EU RoHS as follows: EU RoHS is effectively a “self-reporting and compliance” directive, with the possibility of retroactive enforcement; China RoHS requires stringent **Marking** before March 1, 2007, and China-approved testing prior to product entry into China.

On November 6, 2006, China’s Ministry of Information signed three standards into law:

1. **Marking:** labeling and information disclosure
2. **Levels:** maximum concentration value
3. **Testing:** testing methods

Except for the **Marking** standard, the final official standards have not been published but are expected soon. The official standard for the **Marking** phase was published in Chinese in early December of 2006. Copyrighted English translations are available from several vendors.

EU RoHS compliance does not equal China RoHS compliance. EU RoHS has no **Marking** requirements. **China RoHS Marking requirements are stringent.**

Many components with EU RoHS certificates will still have hazardous materials which must be disclosed. In addition, EU RoHS exempts many products and components from compliance. **China RoHS currently has no such exemptions.**

The need for material declaration documents is part of China RoHS, as well as several other Asian directives (Sony Green, Mitsubishi Sumitomo, and the emerging Korea RoHS standard). These directives appeared in the second half 2006, long after EU RoHS efforts were underway.

EU RoHS requires “Certificates of Compliance”, not material declaration documents for each component. **Most EU RoHS documents do not have the information needed to evaluate or support China RoHS Marking compliance.**

**“China RoHS Marking requirements are stringent, and very different from EU RoHS”**

**Specification History and Timeline**

<b>February 2006</b>	Initial law passed. No official approved standards.
<b>Summer 2006</b>	Draft specification released in Chinese.
<b>November 2006</b>	Final China RoHS standards approved.
<b>December 2006</b>	Final specification released in Chinese.
<b>March 2007</b>	<b>Marking</b> required prior to product entry

## Challenges to Implementation of Marking Standards

China RoHS standards represent new challenges that were not present in EU RoHS:

- China RoHS specification contains ambiguities
- Accurate translations are requirement for proper compliance; current translations are copyrighted.
- Improper Marking can create downstream liability for your company.
- New "Placed on the Market" rules prevent "channel stuffing"; each step in the chain from dock to retail shelf must be compliant on the effective date.
- Supporting Documentation requirements are not explicitly specified, but are necessary for audit protection.
- Manufacturers must understand acceptable Chinese business practices.

## Marking Requirements

There are three sections to the Marking requirements that are required on all Electronic Information Products (EIP) by March 1, 2007:

- Product Marking
- Manuals and/or Datasheet Marking
- Packaging Marking



## Supporting Documentation

Here is the most overlooked risk: an audit may be initiated by the Chinese government or by any downstream entity. Even one that may have close ties to a competitor. Though not directly addressed by the RoHS Specification, Supporting Documentation is an insurance policy against extensive product distribution delays and sanctions resulting from an audit. Supporting Documentation consists of detailed justification for each item in the Marking requirement. If your product's BOM contains 500 items, you will need 500 material declaration documents, in Chinese, for each component. You should have this documentation in place before March 1, 2007.

## Summary

The rules and requirements are very different for China RoHS. China RoHS Marking requirements are stringent and must be in place by March 1, 2007. The primary mistake companies make is failure to create Supporting Documentation needed to survive an audit; EU RoHS Certificates of Compliance have little relevance. Because an audit may be initiated by the Chinese government or any downstream entity, the likelihood of an audit is heightened, and the financial risk of delays due to an audit are substantial.

***"... the most overlooked risk: an audit may be initiated by the Chinese government or by any downstream entity. Even one that may have close ties to a competitor."***

## Enforcement: Risks and Sanctions for Non-compliance

Acceptable Chinese business practices differ from US or European business practices. Specifically, the primary risk is from unplanned audits which can delay products in the distribution pipeline.

### Audit: "Please justify your markings..."

Penalty provisions applicable to the private sector are set forth in Articles 22 and 23 of China RoHS. They contain ambiguities. Most of the sanctions contemplated are subject to "local jurisdiction". This means a high level of uncertainty, with a potential for an arbitrary and capricious audit process.

The major risk you face is an audit of the materials supporting your choice of markings. Audits may be demanded by the Chinese government, as well as by any "downstream recipient" of your marked product. Since "downstream recipients" assume liability for your marking decisions, an audit may be triggered for a variety of reasons, or for no apparent reason at all. Meanwhile, you assume liability from your upstream suppliers.



Potential auditors include:

- o Chinese Government
- o Your customers
- o Importers
- o Distributors
- o Competitors
- o Your customer's customers
- o Wholesalers
- o Retailers

Product delays while you "justify your markings" should be expected, especially if your supporting documentation is not complete and in Chinese.

### Sanctions and penalties

Sanctions subject to "local jurisdiction" include

- o Warnings
- o Fines
- o Product seizures
- o Product repatriation orders
- o Import or manufacture prohibition orders
- o Facility shutdown orders
- o Product recalls for improper marking
- o Other civil and criminal penalties



***Since "downstream recipients" assume liability for your marking decisions, an audit may be triggered for a variety of reasons, or for no apparent reason at all.***

China RoHS Marking

**Who We Are**

Comperio Group / Lead Free Design is an international engineering services company. Founded in 1991 and based in Colorado Springs, we are specialists in RoHS and Medical Device (FDA) conversions. Our engineers are industry leaders with years of design, manufacturing and materials experience, from industry leading companies Tyco Healthcare, BOC, Hewlett Packard, Kodak, Ohmeda, Conmed and Medtronics.



Our service offerings include turnkey China RoHS Marking services. We create, test, validate and certify RoHS documentation for your products.

**Phase 1: (delivery approximately 2 weeks from contract execution)**

- Marking and labeling analyses.
- Marking and labeling summary.
- English to Chinese translations.
- Artwork and labeling creation.
- Product marking instructions, including which specific parts to mark, how to mark them, and where to mark them.

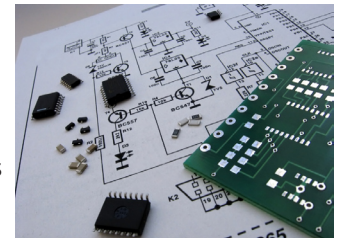
- Marking and labeling specifications (for printers, packaging providers).

**Phase 2: (approximately 8 week delivery)**

We provide supporting documentation to support product marking justification and packaging marking justification.

For each product component, we create Material Declaration and Composition documents:

- 1752 documents
- JIG-101 documents
- Chinese language X/O charts for each component



For each packaging item, pallet and label we create documentation as required for plastics, paper, cardboard and ink and adhesives:

- Material composition documents
- Recycling categorization
- Hazardous materials declarations
- Chinese language X/O charts for each component.

**We stand by our certification with RoHS Audit Protection™. Your RoHS Documentation is always current and on hand with Lead Free Design.**

Example: China RoHS X/O chart (in Chinese)

有毒有害物质名称及含量的标识格式 Informational table - hazardous substances						
部件名称 Component Name	有毒有害物质或元素 Toxic or hazardous substances or elements					
	铅 (Pb)	汞 (Hg)	镉 (Cd)	六价铬 (Cr6+)	多溴联苯 (PBB)	多溴二苯醚 (PBDE)

O : 表示该有毒有害物质在该部件所有均质材料中的含量均在SJ/Txxxx-xxxx标准规定的限量要求以下。  
 X : 表示该有毒有害物质至少在该部件的某一均质材料中的含量超出SJ/Txxxx-xxxx标准规定的限量要求。  
 (企业可在此处,根据实际情况对上表中打“x”的技术原因进行进一步说明。)

**Comperio Group / Lead Free Design**

Corporate Headquarters  
The Comperio Group, Inc.  
12295 Oracle Boulevard, Suite 340  
Colorado Springs, Colorado 80921

719.785.4888 voice  
719.785.4851 fax

[www.LeadFreeDesign.com](http://www.LeadFreeDesign.com)